

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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DIVERSE COMMUNICATIONS, INC. }

Petition for Waiver of 83 Ill. Adm. Code Part
730.510(a) and 730.510(b). }

Docket No. 04-0211

PETITION FOR WAIVER

NOW COMES, Diverse Communications, Inc. ("DCI" or Petitioner"), by its attorney, Gary L. Smith of Loewenstein, Hagen & Smith, P.C., and pursuant to 83 Ill. Adm. Code Section 730.110 of the Commission's Rules and 220 ILCS 5/13-513 of the Universal Telephone and Service Protection Law of 1985 (Act), hereby petitions to permanently waive the requirements of Part 730.510(a) and 730.510(b), and in support thereof states as follows:

1. DCI is a facilities-based local exchange carrier providing local exchange telecommunications services as defined in Section 13-204 of the Illinois Public Utilities Act ("Act") subject to the jurisdiction of this Commission. DCI provides competitive local exchange service in its Alpha exchange. DCI's service territory is sparsely populated. DCI's service area consists of approximately 35 square miles in which DCI provides service to approximately 508 access lines. The largest town in DCI's service territory is Alpha, Illinois, which has a population of approximately 700.

2. DCI is a "rural telephone company" within the meaning of Section 153(47) of the Federal Act and Section 51.5 of the Rules of the Federal Communications Commission ("FCC").

3. Part 730.510(a) and (b) states as follows:

Section 730.510 Answering Time

a) Operator Offices

- 1) Operator offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed ten seconds for the following types of calls:
 - A) toll and assistance; and
 - B) information.
 - 2) Whenever the average answer time for either toll and assistance calls and/or information calls, calculated on a monthly basis, exceeds ten seconds, the local exchange carrier shall take corrective action and report such action to the Commission within 15 business days after the end of the month in which the violation occurred.
- b) Business and Repair Offices
- 1) Business offices (during normal business hours) and repair offices shall be staffed so that the average answer time, calculated on a monthly basis, shall not exceed 60 seconds. In the case where a menu driven, automated, or interactive system is utilized to answer any such call, such system shall provide within the first menu of options, the option of transferring to a live attendant. This requirement shall apply separately to business offices and repair offices, if they are maintained separately.
 - 2) Whenever the average answer time for either business offices or repair offices (if maintained separately), calculated on a monthly basis, exceeds 60 seconds, the local exchange carrier shall take corrective action and report such action to the Commission within 15 business days after the end of the month in which the violation occurred.
 - 3) Local exchange carriers shall maintain records of answer time performance at their business offices and repair offices. At a minimum, these records shall contain the following information collected on a monthly basis:
 - A) Total number of calls received;
 - B) Total number of calls answered; and
 - C) Average answer time.

On or before March 1 of each year, each local exchange carrier shall file, with the Chief Clerk of the Commission, an annual report containing the above information for its

business and repair office(s) (separately when it maintains separate business and repair offices) for each month of the preceding calendar year. This information shall also be made available to the Commission when requested.

4. A waiver in the instant case would not be inconsistent with the statutory provisions authorizing the adoption of Part 730. Part 730 was implemented pursuant to Sections 8-301 and 13-712 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-301, 13-712 and 10-101).

5. 730.510(a) requires Petitioner to report average answer time for either toll and assistance calls or information calls when operator assistance is requested. Petitioner does not have operators to answer operator toll and assistance or information questions and instead contracts for that service with SBC. Therefore, Petitioner does not have the ability to maintain the requested information and file the reports with the Commission as outlined in 730.510(a).

6. Petitioner does not maintain an automated answering service at its business office or equipment to record the number or answering time of inbound calls. Petitioner maintains one full-time individual and others available to assist to answer telephone inquiries from subscribers. Barring an emergency at the business office, Petitioner answers calls to its business office in less than 60 seconds and answers calls by the third ring over 99% of the time. Therefore, requiring Petitioner to maintain records manually of the total number of calls received and the number of calls answered as well as the average answer time would be inaccurate, burdensome and would not provide any useful information.

7. Petitioner, as a rural local exchange carrier, operates closely with its subscribers in a small community and is responsive to subscriber requests. Unlike

larger carriers, when Petitioner's subscribers call to Petitioner's business office, the subscribers do not have to listen to a menu-driven, automated telephone answering system, nor do Petitioner's subscribers have to call to an 800 number before personally speaking with a service representative. Petitioner has one live service representative assigned during normal business hours to promptly answer subscriber telephone calls to Petitioner's business office and others available to assist. Moreover, subscribers have called on company personnel directly after hours for service questions since they live in the same small community.

8. The lack of 730.510(a) and (b) reports will have no impact on and will not impede the development of or operation of a competitive market.

9. No party or consumer will be injured by the granting of a waiver to Petitioner.

10. Rules 730.510(a) and 730.510(b) went into effect on December 1, 2003, and, as applied to Petitioner, are unreasonable and unnecessarily burdensome. A quarterly report will be due in April 2004, and the Commission should expeditiously grant this waiver.

WHEREFORE, the Petitioner prays that the Commission grant this Petition for Waiver, enter an order without hearing permanently waiving the requirements of 830 Ill.Adm.Code 710.510(a) and 710.510(b) for Petitioner, and for such other and further relief as is deemed just.

Respectfully submitted,

DIVERSE COMMUNICATIONS, INC.



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STATE OF ILLINOIS)
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COUNTY OF MERCER) SS

The undersigned, Ross Lowery, being first duly sworn on oath, deposes and states that he is the President of Diverse Communications, Inc. that he has read the Petition of Diverse Communications, Inc. filed in this docket, and that the contents thereof are true and correct to the best of his information and belief.

Ross Lowery
Ross Lowery, President

Subscribed and sworn to before me, a notary public, this 2^d day of March, 2004.

Gary L. Smith
Notary Public

